

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPH L. KNITTER,

Plaintiff,

v.

SIG SAUER, INC.,

Defendant.

Civil Action No.: _____

**SIG SAUER, INC.'S
NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant SIG SAUER, INC. ("Sig Sauer") removes this action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. In support of this removal, Sig Sauer would show:

BACKGROUND

1. Plaintiff Joseph L. Knitter ("Plaintiff") filed this lawsuit on June 26, 2017 in the 269th District Court of Harris County, Texas, with a case number 2017-42457 (the "State Court Action").
2. Plaintiff asserts claims against Sig Sauer for personal injuries he allegedly sustained while using a Sig Sauer P938 model pistol.
3. Plaintiff brings claims for Strict Liability – Manufacturing Defect, Strict Liability – Design Defect, Strict Liability – Marketing Defect, Negligence and Gross Negligence against Sig Sauer.
4. This Court has jurisdiction over this action and all claims asserted against Sig Sauer pursuant to 28 U.S.C. § 1332(a).
5. Because this Court has subject matter jurisdiction over this action, removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 124(b)(2) and 1441(a), because the United States District Court for the Southern District of Texas, Houston Division, is the federal judicial district and division encompassing the 269th District Court of Harris County, Texas, where the State Court Action was originally filed.

7. This Notice of Removal is timely filed in compliance with 28 U.S.C. § 1446(b), because it is filed within thirty (30) days after June 27, 2016, when service of process was made on Sig Sauer.

8. An index of all matters being filed with this Notice as required by the Local Rules, as well as true and correct copies of all process, pleadings, and orders from the state court, and the docket sheet, are collectively attached as **Exhibit “A.”** A list of all counsel of record, including addresses, telephone numbers, and parties represented is attached as **Exhibit “B,”** as required by the Local Rules.

9. Pursuant to 28 U.S.C. § 1446(d), Sig Sauer is filing this Notice with this Court, serving a copy of this Notice upon Plaintiff's counsel and filing a copy in the District Court of Harris County, Texas.

DIVERSITY JURISDICTION – COMPLETE DIVERSITY

10. This Court has subject matter jurisdiction over this action and all claims asserted against Sig Sauer pursuant to 28 U.S.C. § 1332(a).

11. Under 28 U.S.C. § 1332(a), federal courts have original jurisdiction over all civil actions where the action is between citizens of different States and the matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs.

12. This action satisfies all requirements for federal jurisdiction under 28 U.S.C. § 1332(a).

13. Plaintiff and Sig Sauer are citizens of different States. In his Original Petition, Plaintiff alleges that he is a citizen and resident of the State of Texas. Sig Sauer is a foreign corporation, incorporated under the laws of the State of Delaware, with a principal place of business in New Hampshire. Accordingly, the requirements of complete diversity are satisfied.

14. In his Original Petition, Plaintiff demands damages for medical expenses, future medical expenses, past and future loss of wage earning capacity, past and future physical pain and suffering, loss of enjoyment of life and impairment. Although Plaintiff does not include a specific demand, based on his claims and allegations, the amount in controversy clearly meets the \$75,000 threshold, exclusive of interest and costs, required by 28 U.S.C. § 1332(a).

15. Because 28 U.S.C. § 1332(a) confers federal subject matter jurisdiction over this action, removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441.

Sig Sauer respectfully requests that this Court assume full jurisdiction over this action and issue all necessary orders and process to remove this action from the 269th District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

Dated: July 21, 2017

Respectfully submitted,

/s/ Clifford Bowie Husted
Clifford Bowie Husted
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**ATTORNEYS FOR DEFENDANT
SIG SAUER INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that on July 21, 2017 a true and correct copy of the foregoing document was served on all counsel of record in accordance with the Federal Rules of Civil Procedure.

/s/ Clifford Bowie Husted
CLIFFORD BOWIE HUSTED